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L. D. 398 2317

THE ATTORNEY-General, No. 9 of 1929

REGULATIONS made by the Executive Committee of Education and Science, approved by the State Council and ratified by the Order Administering the Government.

The Ministry of Education, C. W. W. KAMUNDEGA, Columbia, 10th December 1928, Minister for Education.

Regulations

PART I — Definitions.

1. In these regulations, unless the context otherwise requires—

(a) "Commissioner" means the Archaeological Commissioner;

(b) "Department" means the Archaeological Department;

(c) "Owner" means a person appointed by the Commissioner;

(d) "Ordinance" means an Ordinance approved by the Commissioner.

PART II — Excavations and Discovery of Antiquities.

2. Every application for a license to excavate shall be in Form A, in the Schedule and shall contain full particulars relating to the materials intended to be excavated.

3. Where the land on which it is proposed to carry out the excavation is not owned by the Crown, making an application referred to in regulation 3 shall send with such application the written consent of the owner of that land:

(a) to the proposed excavation, and

(b) to the copy into which land the Commissioner or any person approved by the Commissioner for the purpose of supervising and inspecting the excavation.

4. Every license to excavate shall be in Form B, in the Schedule and shall be subject to a fee of fifty rupees which shall be credited to the general revenue. The period specified in the license at the period during which the excavation is to be carried out in Form may from time to time be extended for a further period subject to such conditions as the Commissioner may, in his discretion determine thereon.

5. Every person in whom a license to excavate is issued shall, when called upon by the Commissioner, furnish security in the sum of two thousand and fifty rupees either by the deposit of such sum in the manner prescribed by the Commissioner in the General Treasury or by an Inderali or Bank, or by the hypothecation of immovable property in the satisfaction of the Commissioner.

6. Where a person in whom a license to excavate is issued fails to observe any of the provisions of the Ordinance or any regulations made thereunder or any term or condition subject to which the license is issued, and thereby fails the security furnished by him, it shall be incumbent on the Commissioner to enforce the forfeiture by hypothecation of immovable property the proceeds of which shall be invested as though it were a debt due to the Crown.

7. Where, prior to commencing any work of excavation, a person fails to comply with the licence contained in the licence aforesaid, such person shall be liable to a fine of fifty rupees, in default of payment, which sum may be recovered in the Court of Session in accordance with the provisions of the Ordinance.

8. It shall be incumbent on the Commissioner at any time to examine that such license or other licence does not exceed the space or area on which such activity is to be carried out.

9. It shall be a condition of every license to excavate that the license shall specify the names and titles under which the license is issued and shall also contain a statement of the terms and conditions under which the license is issued.

10. Every person shall make such evidence in support of the license as may be required by the Commissioner.

11. Every person shall be subject to the provisions of the Ordinance in respect of which the license is issued and shall, subject to any such regulations as may be made by the Commissioner, shall be subject to the provisions of the Ordinance in respect of which the license is issued.

12. A copy of every license to excavate, shall be submitted to the Commissioner for the purpose of recording all such licenses.

13. Every person shall be subject to the provisions of the Ordinance in respect of which the license is issued.

14. Every person shall be subject to the provisions of the Ordinance in respect of which the license is issued.

15. (1) A record of all antiquities discovered in the course of excavation by the licensee under the license shall be kept in Form C, in the Schedule, and shall be produced for inspection whenever required by the Commissioner.

(2) The record shall be examined by the Commissioner or any person approved by the Commissioner for the purpose of examining the antiquities in the course of excavation by the licensee under the license.

16. Every license shall be subject to the provisions of the Ordinance in respect of which the license is issued.

17. Discovery of Antiquities otherwise than under a License to Excavate

18. Wherever a person discovers any antiquity otherwise than under the authority of a license to excavate shall furnish to the Government Agent of the Province or the Assistant Government Agent of the District in which the antiquity was discovered the particulars relating to the antiquity—

(a) the circumstances in which the antiquity was discovered;

(b) the name and address of the person by whom it was discovered;

(c) the description of the antiquity and its nature;

(d) the depth from the surface at which the antiquity was found;

(e) the date and place of discovery, in which the antiquity was found;

(f) the condition of preservation in which the antiquity was found;

(g) a description of the antiquity with details as to its size, shape, and weight;

(h) an account of any information which the licentiate shall furnish, regarding the identity of the antiquity;

(i) if several antiquities were found at the same place their relative positions, illustrated by a sketch diagram.

19. Any antiquity discovered under the preceding section of the Ordinance may be obtained by the Commissioner in an Archaeological Museum maintained by the Government for the preservation of immovable property of historical interest, and such antiquity shall be restored to the Crown.

PART III — Prescriptions.

20. Every person shall be bound to carry out any work of excavation, repair, alteration or additions in connection with any prohibited monument shall be in Form D, in the Schedule. The period specified in any permit or the period during which the permit is to be in force may from time to time be extended for a further period subject to such conditions as the Commissioner may, in his discretion determine thereon.

21. (1) It shall be a condition of every permit that no work of excavation, repair, alteration or additions in connection with a prohibited monument shall be carried out until plans and specifications approved by the Commissioner shall have been submitted and approved by the Commissioner.

(2) The Commissioner may, if he is satisfied that the plans and specifications approved by the Commissioner shall be so far as the work may be necessary for the preservation of the monument, authorize the person in whom the permit is issued to carry out the work of excavation, repair, alteration or additions in connection with the prohibited monument, Provided always that the said plans and specifications shall have been submitted and approved by the Commissioner.

22. It shall be a condition of every permit that if the permit holder neglects or is unable to submit such plans and specifications as the Commissioner shall require, he shall be liable to a fine of fifty rupees, and in default of payment, which sum may be recovered in the Court of Session in accordance with the provisions of the Ordinance.

23. It shall be a condition of every permit that the permit holder shall—

(a) carry out all lawful directions issued by the Commissioner in respect of the work of excavation, repair, alteration or additions and the skilled workmen to be employed and all mechanical means necessary for the purpose of effecting such work for the preservation of the monument prescribed by the Commissioner.

(b) report to the Commissioner or any member of the Advisory Committee appointed under regulations 21 (2), or any of the Departmental authorities for the periodical inspection of such work, and
PART IV.—BUILDING, ETC., IN VICINITY OF MONUMENTS.

27. Whenever the Executive Committee is of opinion that the alteration of buildings or the carrying on of mining, quarrying, or blasting operations should be prohibited or restricted in the vicinity of ancient monuments or protected monument, it may, by order published in the Gazette under the hand of the Minister, apply the regulations in this Part in respect of such ancient monument or protected monument; and accordingly the regulations in this Part shall, from the date specified in such order, apply to that ancient monument or protected monument.

28. In the succeeding regulations in this Part—

"ancient monument" and "protected monument" mean respectively an ancient monument situated on Crown land and a protected monument in respect of which an order has been made under regulation 27.

29. No person shall erect any building or carry on any mining, quarrying, or blasting operations at any place which is 200 yards at least or less than 300 yards distant from an ancient monument or protected monument.

30. No person shall, without the written permission of the Commissioner, erect any building or carry on any mining, quarrying, or blasting operations at any place which is more than 200 yards at less than 400 yards distant from an ancient monument or protected monument.

31. Every person intending to erect a building at any place to be regulated in regulation 30 shall make a written application to the Commissioner for permission to do so and shall state the following particulars:

(a) the name of the land and its boundaries and location;
(b) the distance from the place where the building is to be erected to the ancient monument or protected monument;
(c) the nature of the building proposed to be erected;
(d) the description of the antiquities (if any) visible on the surface of the land.

32. Every person intending to carry on mining, quarrying, or blasting operations at any place referred to in regulation 30 shall make a written application to the Commissioner for permission to do so and shall state the following particulars:

(a) the name of the land, its boundaries and location;
(b) the distance from the place where the mining, quarrying, or blasting operations are to be carried on to the ancient monument or protected monument;
(c) the type of the mining, quarrying, or blasting operations are to be carried on;
(d) the description of the antiquities (if any) visible on the surface of the land.

33. The Commissioner may in his discretion grant the permission applied for under regulation 31 or regulation 32, and may in the case of a licence under regulation 32, grant such permission subject to the following conditions:

(a) that no operations are carried on below a depth to be determined by him;
(b) that at the completion of the operations all pits and trenches are filled up to his satisfaction.

34. Where permission has been granted to any person to erect a building or carry on mining, quarrying, or blasting operations, such building or operations shall be carried on in such manner as the Commissioner may require, and the Commissioner may at any time order the removal of any building or the alteration of any mining, quarrying, or blasting operations, and the building or operations shall be removed or altered accordingly.

35. Where a plan has been approved by the Commissioner for building or operations and it is impracticable to carry out the plan as originally approved, the Commissioner may issue such additional or altered plans as may be necessary to carry out the plan.

36. Where the regulations in this Part are applied to any ancient monument or protected monument, such regulations shall be binding on all persons, and the Commissioner may at any time amend or alter such regulations as he may think fit.

PART V.—EXPORT OF ANTIQUITIES.

8. Every application for a licence to export antiquities shall be in form E in the Schedule and shall contain full particulars relating to the matters specified in that form.

9. Every licence to export antiquities shall be in form F in the Schedule and shall be in force for the period stated therein.

PART VI.—APPEALS UNDER SECTIONS 12, 22 AND 38 OF THE ORDINANCE.

1. Every appeal made under section 12, section 22, or section 38 of the Ordinance shall be made by a written petition containing a full statement of the grounds upon which the appeal is preferred.

2. The petition shall be signed by the applicant and shall be sent to the Secretary to the Board of the Government Agent or Assistant Government Agent, as the case may be, within the period of three months from the date on which such order was in force.

Provided that the Minister may, in his discretion, on application made in that behalf by the applicant, entertain such petition of appeal if the Minister is satisfied that the delay in sending the petition was due to any accident, misfortune or other inevitable cause.

32. The appellant, the Commissioner and any other person who in the opinion of the Minister will be affected by the decision of any appeal, shall be entitled to appear at the hearing of the appeal in person or by representative authorized in writing for the purpose.

33. Every appeal shall be determined upon the material placed before the Minister at the hearing of the appeal.

34. The decision of the Minister on any appeal shall be forthwith communicated to the applicant by the Secretary to the Minister.

PART VII.—ACCESS TO ANCIENT OR PROTECTED MONUMENTS.

35. Subject to the regulations in this Part, the public shall have access at all hours of the day or night to every ancient monument situated on Crown land.

36. Where a railway is erected round any monument referred to in regulation 45, no person shall damage such railway or enter the area within such railway.

37. No person shall draw a sample or take a photograph of any monument referred to in regulation 45 without the permission of the Commissioner or an overseer or a guard.

38. Every person shall comply with the requirements of notices which may be exhibited by or by order of the Commissioner near any monument referred to in regulation 45.

Schedule.

FORM A.

The Antiquities Ordinance.

(Regulation 2.)

Application for a licence to excavate for antiquities.

To the Archeological Commissioner, Colombo, through the Government Agent/Assistant Government Agent of the Province/District,

I, ..., do hereby apply, under section 7 of the Antiquities Ordinance, No. 9 of 1949, for a licence to excavate for antiquities on the land described below:

Name of land:

Situation:

Boundaries:

Plan No. if any:

Extent:

Approximate distance of the land from the nearest—

(a) road,

(b) railway,

(c) place of worship,

(d) cemetery,

(e) school,

(f) water source,

(g) irrigation work.

Description of Antiquities visible on the surface.

History or tradition attached to the land.

Nature and extent of the proposed excavation.

I hereby declare that (1) the land belongs to me/the Crown/...

(2) the proposed excavation will not cause any damage or inconvenience to persons residing in the vicinity of such land, or to any used for religious worship or any cemetery, school, water source, irrigation work or public road, and if any such damage is likely to be caused I have made adequate provision for the payment of compensation therefor.

(3) I am prepared to furnish security for the due observance of the provisions of the Ordinance or the regulations thereunder and any conditions subject to which the licence is issued;

(4) The undersigned persons or institutions will testify to my competence to carry out the excavation in a systematic manner:

Date: ____________

* Signature of Applicant.

Observation of the Government Agent/Assistant Government Agent.

FORM B.

The Antiquities Ordinance.

(Regulation 4.)

Licence to excavate for the purpose of discovering Antiquities.

... is hereby licensed, under section 6 of the Antiquities Ordinance, No. 9 of 1949, to excavate for antiquities on the land specified below, subject to the provisions of the said Ordinance and the regulations made thereunder and the conditions specified above.

This licence is valid until the ... day of ________

Archeological Commissioner.

Department of Archeological Survey.
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Land referred to.
Name: __________.
Situation: __________.
Boundaries: __________.
Plan No., if any: __________.
Extent: __________.

Conditions subject to which Licence is issued.
1. This licence does not authorize the carrying out of excavation on any land other than the land described above.
2. This licence shall be produced for inspection on demand made by the Archaeological Commissioner, or any overseer, or any peace or police officer.
3. The excavation shall be carried out under the supervision of the Archaeological Commissioner or any person approved by him and the licence shall permit the Archaeological Commissioner or such approved person to visit the site of excavation at all reasonable hours and to view the antiquities discovered in the course of the excavation.
4. If the excavation is carried out under the supervision of any person other than an officer of the Archaeological Department or a public servant such remuneration as the Archaeological Commissioner may fix in the circumstances of each case shall be payable by the licensee to such person.
5. All moneys due from the licensee under the above conditions may be recovered from the security furnished by him under the regulations.

FORM C.
The Antiquities Ordinance.
(Regulation 16 (1).)
List of antiquities discovered in the course of the excavation at ________

<table>
<thead>
<tr>
<th>No.</th>
<th>Date of Discovery</th>
<th>Position</th>
<th>Depth</th>
<th>Description of Antiquity*</th>
<th>Remarks</th>
</tr>
</thead>
</table>

FORM D.
The Antiquities Ordinance.
(Permit under Section 21.)
__________ of _________ is hereby authorized, under section 21 of the Antiquities Ordinance, No. 8 of 1940, to carry out the work of restoration, repair, alteration or addition specified below in connection with the protected monument called _________ situated on the land _________ in the Headman's division of _________ in the district of _________.

* State whether the antiquity is a statue, sculptured or draped stone, marble, engraving, carving, inscription, painting, writing, any specimen of ceramic, glyptic, metallic and textile art, coin, gem, seal, jewel, arms, tools, ornaments or any other object.

This permit is valid until the _________ day of _________ and is issued subject to the provisions of the said Ordinance and the regulations made thereunder and the additional conditions contained below.

Archaeological Commissioner.

Department of Archaeological Survey,
Date: ________ .

Specification of Work.
Form E.
The Antiquities Ordinance.
(Regulation 38.)
To the Archaeological Commissioner.
I, _________ of _________ hereby apply under section 37 of the Antiquities Ordinance, No. 8 of 1940, for a licence to export the under-mentioned antiquities.
I hereby declare that I am legally entitled to the ownership of these antiquities.

Date: ________ .

Signature of Applicant.

Antiquities referred to.

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>From whom antiquity obtained</th>
<th>To whom antiquity to be sent</th>
<th>Market value</th>
</tr>
</thead>
</table>

FORM F.
The Antiquities Ordinance.
(Regulation 39.)
Licence to export antiquities.
__________ of _________ is hereby licensed under section 36 of the Antiquities Ordinance, No. 8 of 1940, to export the under-mentioned antiquities to _________ of _________.
This licence is valid until the _________ day of _________.

Archaeological Commissioner.

Department of Archaeological Survey,
Date: ________ .

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Probable market value</th>
</tr>
</thead>
</table>

Archaeological Commissioner.